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8 BEFORE THE HEARING EXAMINER FOR THE CITY OF RENTON

9)
10 RE: Renton Commons)
11 Conditional Use, Site Plan and Street) FINAL DECISION
12 Modifications)
13)
14 LUA16-000425, ECF, SA-H, CU-H,)
MOD)

15 **SUMMARY**

16 The applicant has applied for a conditional use permit, site plan approval and three development
17 standard modifications for the construction of a 6-story building containing 48 affordable housing
multi-family residential units. The applications are approved subject to conditions.

18 **TESTIMONY**

19 Rocale Timmons, Senior Planner for City of Renton, summarized the proposal.

20
21 Eric Blank, Senior Architect/Design Manager for the applicant, requested revisions to four of the staff
22 recommended conditions of approval. Condition No. 5 requires a joint parking agreement, but SPU is
the decision maker so it's not entirely within the applicant's control. Given the City's concerns with
23 the gazebo the applicant will simply be removing the gazebo from its proposal, so Condition No. 13,
requiring relocation of the gazebo, is no longer necessary. Condition No. 15, requiring 12-foot
24 windows, may not be achievable because mechanical features that should be obscured are located above
ten feet. The applicant is working with staff on this issue and believes that an additional half to one foot
25 or so of height from the proposed ten feet would be possible, but not the entire 12-foot required in the
condition. Condition No. 20, requiring relocation of the bicycle racks, can be achieved to the extent
26 that removal of the northern bike racks is concerned. There is still exterior bike parking to the south,

1 which is covered. The applicant will endeavor to the extent possible to replace the lost parking spaces
2 to the north into the parking garage, but space in the garage is limited¹.

3 Robin Amadon, Housing Development Director of the applicant, noted that the shared parking
4 agreement has been agreed upon, but that it's just not clear when the agreement will be finally executed.

5 Ms. Timmons made some suggested revisions to the conditions to accommodate the concerns of the
6 applicant. For Condition No. 5, she noted that it should provide its applicable to "any" off-site parking
7 stalls as opposed to "those" parking stalls and that the deadline for submission of the agreement should
8 be prior to occupancy as opposed to building permit approval. On Condition 15, strike the portion that
9 requires "no less than 12 feet" and just require additional height.

10 **EXHIBITS**

11 The August 16, 2016 Staff Report Exhibits 1-16 identified at Page 2 of the staff report were admitted
12 into the record during the hearing. The staff power point presentation was admitted as Exhibit 17.

13 **FINDINGS OF FACT**

14 **Procedural:**

- 15 1. Applicant. Low Income Housing Institute.
- 16 2. Hearing. A hearing was held on the application on August 16, 2016 at 11:00 am in the City of
17 Renton Council Chambers.
- 18 3. Project Description. The applicant has applied for a conditional use permit, site plan approval
19 and three street modifications for the construction of a 6-story building containing 48 affordable
20 housing multi-family residential units. The building would have an average height of 71 feet. The 0.32
21 acre project site is located on the west side of Whitworth Ave S, just north of S 3rd St, at 215 Whitworth
22 Ave S. Vehicular access to the site would be provided via a single entry point from Whitworth Ave S.
23 A total of 12 parking spaces would be provided within the structure.

24 ¹ The applicant did not identify what, if any, revisions he would like to see made to Condition No. 20. Since the
25 number of bicycle parking spaces required of the proposal can't be changed without an approved modification,
26 Condition No. 20 cannot be revised to reduce the number of bicycle parking spaces. If the applicant doesn't have room
in the parking garage to accommodate the bicycles, the applicant will have to relocated them elsewhere.

The following three development modifications are being requested for the project:

RMC Citation	Code	Required Standard	Requested Modification
RMC Street Standards	4-6-060F	12-foot sidewalk, street trees (4-foot x 8-foot grates) behind the curb, and street lighting meeting City's arterial street lighting levels. Additionally, a 5-foot wide bike lane is required.	Elimination of the 5-foot wide bicycle lane.
RMC Parking, Loading, and Driveway Regulations	4-4-080F,	Based on the proposed use, a minimum 24 interior bicycle parking spaces would be required.	The applicant is proposing a total of 24 bicycle parking spaces within four exterior bike racks.
RMC Refuse and Recyclables Standards	4-4-090,	There shall be at least one deposit area/collection point for every thirty dwelling units.	The proposal includes a single refuse/recycle storage area.

4. Adequacy of Infrastructure/Public Services. The project will be served by adequate infrastructure and public services as follows:

- A. Water and Sewer Service. Water and sewer service will be provided by the City of Renton. Off-site water main extensions will be required during engineering review to provide for adequate fire flow.
- B. Fire and Police. The City of Renton will provide fire and police service. Fire and police department staff have determined that existing facilities are adequate to serve the development as conditioned with the payment of fire impact fees.
- C. Drainage. Public works staff have determined that the preliminary design and technical drainage review submitted by the applicant is consistent with adopted city standards. The project is required to comply with the 2009 King County Surface Water Manual and the City of Renton Amendments to the KCSWM, Chapter 1 and 2. The applicant has proposed its preliminary drainage design pursuant to the design requirements of the Surface Water Manual in its Preliminary Drainage Report, Ex. 7.

The Preliminary Drainage Report proposes that stormwater runoff from the proposed improvements would be collected via roof drains, catch basins, and area drains. Runoff would be routed to a duplex pump chamber and would be discharged to the existing storm main in the SPU right-of-way to the north of the project site. Connection to the existing storm drainage system in Whitworth Ave S. is preferred over a connection to the existing storm drainage system in the SPU right-of-way. Work in the right-of-way may require

1 additional permit and coordination with Seattle Public Utilities and the City of Seattle.
2 Therefore, a condition of this decision requires that the applicant provide the City with SPU
3 authorization to construct infrastructure improvements within the SPU right-of-way before
construction permits are issued.

- 4 D. Parks/Open Space. The project site is in Design District “A” and is zoned Center
5 Downtown, which subjects it to the open space standards of RMC 4-3-100(E). See RMC 4-
6 3-100(B)(1)(b)(i). RMC 4-3-100(E)(4) requires 50 square feet of open space per dwelling
7 unit and the inclusion of at least one type of open space improvement from a list identified
8 in RMC 4-3-100(E)(4). The applicant proposes 1,458 square feet of exterior open space and
1,169 square feet of interior community space within the building. These 2,627 square feet
in open space exceeds the 2,400 square feet required by RMC 4-3-100(E)(4).

9 Any applicable park impact fees would be assessed during building permit review.
10 Compliance with the City’s park impact fee ordinance, RMC 4-1-190, sets the standard for
adequate provision for parks.

- 11 E. Transportation. Public works staff have determined that the preliminary design for traffic
12 circulation and improvements satisfies applicable city standards. The applicant submitted a
13 Traffic Impact Analysis (“TIA”) prepared by Gibson Traffic Consultants, dated April 18,
2016 (Ex. 8). The provided TIA was found by staff to meet the intent of the TIA guidelines
and is generally acceptable for preliminary review.

14 The TIA anticipates the proposed development would generate approximately 201 average
15 daily trips with 14 new AM peak-hour trips and 19 PM peak-hour trips. Trips generated by
16 the Renton Commons development will split 50% traveling to and from the north and 50%
17 traveling to and from the south. The development will generate less than 10-peak hour trips
for off-site City of Renton intersections. Therefore, additional analysis of impacts to
surrounding intersections is not required based on City of Renton threshold requirements.

18 Increased traffic created by the development would be mitigated by payment of
19 transportation impact fees. The transportation impact fee that is current at the time of
20 building permit application will be levied. The fee currently being assessed, in 2016, is
\$1,923.83 per new multi-family unit. The fee is estimated at approximately \$92,343.84. The
21 fee shall be payable to the City at the time of building permit issuance.

22 The only street frontage for the proposal is along Whitworth Ave S. RMC 4-6-060 governs
23 development standards for street frontage. Whitworth Ave S. is classified as a residential
24 access street. The existing right-of-way width is 60-feet. Street improvements fronting this
25 site would be required to include a new 12-foot sidewalk, street trees (4-foot x 8-foot grates)
behind the curb, and street lighting meeting City’s arterial street lighting levels.
26 Additionally, a 5-foot wide bike lane is required. The applicant is proposing to maintain the
existing right-of-way and as a result the applicant has requested a modification to remove
the 5-foot bike lane requirement. That modification has been approved by this decision.

1 Transportation concurrency approval is not required given the proposal would have less
2 than 20 peak hour trips.

3 Access to the site is proposed via a single entry to the structured parking via Whitworth Ave
4 S. Staff have determined that this arrangement provides for safe and efficient circulation.

5 Off-site street improvements are proposed along Whitworth Ave S. which includes a new
6 12-foot wide sidewalk providing linkages to the existing sidewalk network. To build the
7 12-foot wide sidewalk, without modifying the alignment of the right-of-way curb, the
8 sidewalk would encroach on to the subject site by approximately two feet. The applicant is
9 proposing to build the sidewalk with this extension onto the property, without a right of way
10 dedication. This would allow the full sidewalk width without modifying the curb alignment,
11 but would also allow the upper floors of the building to overhang the sidewalk extension
12 into the parcel. A pedestrian easement would insure that this sidewalk extension remains
13 available to the public. Therefore, a condition of approval requires the applicant to submit
14 a recorded pedestrian easement in sufficient width (up to 2 feet) to construct required street
15 improvements behind the existing curb.

16 Finally, the proposed plan does not include a suitable transition to the adjacent sidewalk
17 north and south of the site. The transition of new sidewalk may need to be extended slightly
18 beyond property frontage to the north and south sides and it would likely need to be field
19 verified where the transition should occur. Therefore, a condition of approval requires the
20 applicant to submit a revised paving plan which includes a suitable transition to the existing
21 sidewalk, north and south of the subject property.

- 22 F. Schools. Staff anticipates that the Renton School District can accommodate any additional
23 students generated by this proposal at the following schools: Bryn Mawr Elementary (2.1
24 miles from the subject site), Dimmitt Middle School (2.0 miles from the subject site), and
25 Renton High School (0.2 miles from the subject site).

26 Renton High School is within walking distance of the subject site while Bryn Mawr
Elementary and Dimmitt Middle schools would require future students to be transported via
bus. The site is surrounded by public sidewalks which facilitate safe walking conditions to
Renton High School and would likely provide safe walking conditions to future bus
locations.

A School Impact Fee, based on new multifamily unit, will be required in order to mitigate
the proposal's potential impacts to Renton School District. The fee is payable to the City as
specified by the Renton Municipal Code. Currently the fee is assessed at \$1,385.00 per
multi-family unit.

- G. Refuse and Recycling. RMC 4-4-090 sets the standard for adequate refuse and recycling
facilities. Under this standard, a minimum of 1.5 square feet per dwelling unit is required
for recyclable deposit areas and a minimum of 3 square feet per dwelling unit for refuse
deposit areas. One deposit area/collection point is required for every 30 dwelling units. The

1 applicant proposes one 373 square foot area for refuse and recycle, which meets the area
2 requirements. The applicant requests a modification to the multiple location requirement
3 that is approved by this decision.

4 H. Parking. The City's parking standards define the adequacy of parking. The proposal
5 complies with applicable parking standards so parking is found to be adequate. RMC 4-4-
6 080(F)(10)(d) requires one parking stall per four dwelling units. The applicant proposes
7 twelve on-site parking spaces for its 48 dwelling units, which complies with the standard.
8 The parking stalls will be located within an open surface parking garage on the west side of
9 the property. An additional 3-parking stalls are proposed to be secured, via a lease with
10 SPU, in the parking area abutting the site to the north.

11 RMC 4-4-080(F)(11)(a) requires bicycle parking spaces at the rate of one-half parking space
12 per dwelling unit. The applicant is proposing exterior bike racks with capacity for 24
13 bicycles, which meets the bicycle parking standard. As noted in the Finding of Fact No. 3
14 the applicant is also requesting a modification to a development standard requiring bicycle
15 parking to be located within the building. That modification request is approved by this
16 decision.

17 5. Adverse Impacts. There are no significant adverse impacts associated with the proposal.
18 Adequate infrastructure serves the site as determined in Finding of Fact No. 4. Impacts are more
19 specifically addressed as follows:

20 A. Aesthetics. The proposal will not create any significant adverse aesthetic impacts.
21 According to the staff report, the proposal will not adversely affect territorial views,
22 shoreline views or any views of Mount Rainer. As noted previously, the project is subject
23 to Design District "A" design guidelines, which provide detailed standards as to project
24 design, including building materials, site configuration and transitions to adjoining uses.
25 As detailed in the staff report, as conditioned staff have found the proposal to be consistent
26 with these design guidelines. Further, as noted in Finding No. 25 of the staff report, there
are no landscaping standards applicable to the proposal except for parking and street trees,
but the applicant nonetheless has proposed a landscaping plan that provides for landscaping
around three sides of the project site (the fourth being landscaped with street trees). This
perimeter landscaping helps enhance the aesthetic appearance of the proposal. Since the
proposal will not adversely affect view corridors, provides for extensive perimeter
landscaping and is consistent with the City's detailed design standards, it is determined that
the proposal will not create any significant aesthetic impacts.

27 The proposed refuse and recycle area is located within the structure along the northwestern
28 portion (rear) of the site to avoid making the trash room highly visible to the public. The
29 staff report does not identify whether loading areas will be located at the facility and it is
30 unclear whether any are proposed. The conditions of approval will require that loading areas
be located, designed and screened to minimize views from surrounding properties.
Similarly, the staff report doesn't identify whether roof top equipment will be visible so the
conditions of approval will also require screening of the equipment, if any, as well.

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2 B. Compatibility. The proposal is compatible with the mixed-use character of surrounding
3 uses. The surrounding neighborhood is in transition with some low-rise small-scale
4 existing buildings and a growing number of multi-story multifamily and mixed-use
5 buildings. The existing buildings around the site include a single-family house to the west,
6 churches to the south and east, and an office building for an international adoption agency
7 to the north. A four-story mixed-use building, the Compass Veterans Center, is located to
8 the northeast, diagonally across Whitworth Ave S. Renton High School is also located a
9 block to the north.

10 Although the proposed building would be taller than immediately surrounding buildings,
11 the area is zoned CD and likely to change as incremental redevelopment occurs.
12 Comprehensive Plan policies encourage taller buildings and more intensive use of
13 properties in the downtown core. The CD zoning allows for a 95-foot height limit.

14 C. Light and glare. The proposal is designed to prevent light spillage on adjoining properties
15 and to avoid excessive light and glare. The applicant submitted a lighting plan and staff
16 determined that the plan minimized light spillage and excessive light and glare.

17 The applicant needs to provide additional lighting to ensure public safety and to comply
18 with City light standards. According to the Police Department, due to the heavy foot and
19 vehicle traffic in the area of the proposed building, it is expected that the covered garage
20 will be an attractive target to auto thieves and prowlers. Additionally, the alley west of the
21 site has historically had safety concerns. Therefore, a condition of approval requires the
22 applicant to provide a lighting/safety plan which includes the following: lighting within the
23 covered garage during all hours; lighting to illuminate the alley; a limited access gate for
24 the garage; a surveillance system installed in the covered garage to help deter incidents of
25 crime and suspicious activity; and an emergency communications device within the covered
26 garage.

Also, lights along the Whitworth Ave S. frontage are required to be replaced by pedestrian
level light pole(s). It is unclear the number of poles and distance separation needed for a
demonstration of compliance with required illumination levels pursuant to RMC 4-6-060(I).
Therefore, a conditions of approval requires the applicant be to submit a lighting analysis
demonstrating compliance with RMC 4-6-060(I)(3).

D. Noise. The City's noise regulations, Chapter 8-7 RMC, sets the legislative standard for
noise impacts and will adequately regulate noise by its maximum noise level standards. The
project's design also minimizes noise impacts. The exterior common spaces are located
adjacent to the public right-of-ways and the existing parking lot to the south, not close to
adjacent buildings. There are also no occupied exterior terraces or roof decks above the
ground level that could project noise over the adjacent buildings to the larger area. All noise
from exterior common spaces at ground level would be limited and contained by hardscape
and landscape features such as trees, canopies, trellises, and fencing.

1 E. Critical Areas and Natural Features. The only critical area or other significant natural feature
2 of the site is that it is located in a seismic hazard area. The impacts of building within a
3 seismic hazard area are fully addressed in the applicant's geotechnical report, the
4 recommendations of which are made a condition of approval. The applicant submitted a
5 Geotechnical Report prepared by Geotech Consultants, dated July 21, 2015 (Ex. 6). The
6 loose to medium-dense sand soils that are saturated are susceptible to seismic liquefaction.
7 As a result, the proposal includes a deep foundation system supported by pipe piles to reduce
8 the potential for uneven settlement. Groundwater seepage was observed at depths of 12-14
9 feet. The seepage levels represent transient water seepage water and likely do not indicate
10 static groundwater. The geotechnical report includes specific recommendations in order to
11 mitigate potential geotechnical impacts including: site preparation, structural fill,
12 foundations, drainage considerations, hazards including, and project design and monitoring.

13 CONCLUSIONS OF LAW

14 1. Authority. RMC 4-9-200(B)(2) requires site plan review for all development in the CD zone.
15 RMC 4-9-200(D)(2)(b) requires site plan review by the hearing examiner (as opposed to administrative
16 review) for this project because the proposed building is more than four stories in height. Pursuant to
17 RMC 4-2-120(B), the applicant is required to acquire an administrative conditional use permit in order
18 to accommodate a density of 100-150 dwelling units per net acre as proposed by the applicant.
19 Modification requests are also subject to administrative approval. All three of the aforementioned
20 permits/approvals have been consolidated. RMC 4-8-080(C)(2) requires consolidated permits to each
21 be processed under "the highest-number procedure". Site Plan Review (Hearing Examiner) is a Type
22 III permit (RMC 4-8-080(G)) with approval authority granted to the Hearing Examiner. The site plan
23 review is the "highest-number procedure" and therefore must be employed for the design
24 review, conditional use and development standard modifications.

25 2. Zoning/Comprehensive Plan Designations. The subject property is within the Commercial
26 Mixed Use (CMU) Comprehensive Plan land use designation, the Center Downtown (CD) zoning
classification, and Design District 'A'.

3. Review Criteria/Modification Requests. Conditional use criteria are governed by RMC 4-9-
030(D) and site plan review standards are governed by RMC 4-9-200(E)(3). Applicable standards are
quoted below in italics and applied through corresponding conclusions of law. Design District A review
criteria are addressed through the conditional use and site plan criteria requiring compliance with City
development standards. The three modification requests identified in Finding of Fact No. 3 are
governed by RMC 4-9-250(D). All three requests are concluded to meet all applicable review criteria
for the reasons identified in Staff Report Findings of Fact No. 29, 30 and 31.

Conditional Use

The Administrator or designee or the Hearing Examiner shall consider, as applicable, the following factors for all applications:

1 **RMC 4-9-030(C)(1): Consistency with Plans and Regulations:** *The proposed use shall be compatible*
2 *with the general goals, objectives, policies and standards of the Comprehensive Plan, the zoning*
3 *regulations and any other plans, programs, maps or ordinances of the City of Renton.*

4 4. As conditioned, the proposal is consistent with all applicable comprehensive plan policies and
5 development and design standards as outlined in Findings of Fact No. 24, 25 and 27 of the staff report.

6 **RMC 4-9-030(C)(2): Appropriate Location:** *The proposed location shall not result in the detrimental*
7 *overconcentration of a particular use within the City or within the immediate area of the proposed use.*
8 *The proposed location shall be suited for the proposed use.*

9 5. As noted in the staff report, the project is located in an ideal location near transit and several
10 other activities and services available to residents of the project. As noted in the compatibility section
11 of Finding of Fact No. 5, the proposal is in a transition area characterized by mix use. Given the
12 diversity of uses and proximity of the full scale of urban services it is determined that the area is not
13 “over concentrated” with multi-family development.

14 **RMC 4-9-030(C)(3): Effect on Adjacent Properties:** *The proposed use at the proposed location shall*
15 *not result in substantial or undue adverse effects on adjacent property.*

16 6. As determined in Finding of Fact No. 5, as conditioned, there are no adverse impacts associated
17 with the proposal, so it will not result in substantial or undue adverse effects on adjacent property.

18 **RMC 4-9-030(C)(4): Compatibility:** *The proposed use shall be compatible with the scale and*
19 *character of the neighborhood.*

20 7. As determined in Finding of Fact No. 5, the proposed use is compatible with the scale and
21 character of the neighborhood.

22 **RMC 4-9-030(C)(5): Parking:** *Adequate parking is, or will be made, available.*

23 8. As determined in Finding of Fact No. 4, the proposal includes parking that is consistent with
24 applicable parking standards, which sets a legislative standard for adequate parking.

25 **RMC 4-9-030(C)(6): Traffic:** *The use shall ensure safe movement for vehicles and pedestrians and*
26 *shall mitigate potential effects on the surrounding area.*

9. For the reasons outlined in the transportation section of Finding of Fact No. 4, proposed
pedestrian and vehicular circulation improvements provide for safe and efficient vehicular and
pedestrian circulation. As further detailed in the transportation section, the proposal will not lower level
of service below adopted levels, so no adverse circulation impacts to the surrounding area are
anticipated.

RMC 4-9-030(C)(7): Noise, Light and Glare: *Potential noise, light and glare impacts from the*
proposed use shall be evaluated and mitigated.

10. As conditioned, as determined in Finding of Fact No. 5, the proposal will not result in any adverse light, noise or glare impacts.

RMC 4-9-030(C)(8): Landscaping: *Landscaping shall be provided in all areas not occupied by buildings, paving, or critical areas. Additional landscaping may be required to buffer adjacent properties from potentially adverse effects of the proposed use.*

11. As shown in the site plans for the proposal, Ex. 2 and 3, all undeveloped portions of the site are landscaped. Further, as shown in Ex. 2 and 3 the proposal incorporates significant perimeter landscaping on three sides in order to buffer adjacent properties. The fourth side, Whitworth Avenue S., is landscaped with street trees. The criterion is met.

Site Plan

RMC 4-9-200(E)(3): Criteria: *The Administrator or designee must find a proposed project to be in compliance with the following:*

a. Compliance and Consistency: Conformance with plans, policies, regulations and approvals, including:

i. Comprehensive Plan: The Comprehensive Plan, its elements, goals, objectives, and policies, especially those of the applicable land use designation; the Community Design Element; and any applicable adopted Neighborhood Plan;

ii. Applicable land use regulations;

iii. Relevant Planned Action Ordinance and Development Agreements; and

iv. Design Regulations: Intent and guidelines of the design regulations located in RMC 4-3-100.

12. As concluded in Conclusion of Law No. 4 and as conditioned, the proposal is consistent with the City's comprehensive plan, development regulations and design standards. There is no applicable Planned Action Ordinance or Development Agreement.

RMC 4-9-200(E)(3)(b): Off-Site Impacts: *Mitigation of impacts to surrounding properties and uses, including:*

i. Structures: Restricting overscale structures and overconcentration of development on a particular portion of the site;

ii. Circulation: Providing desirable transitions and linkages between uses, streets, walkways and adjacent properties;

1 **iii. Loading and Storage Areas:** *Locating, designing and screening storage areas, utilities,*
2 *rooftop equipment, loading areas, and refuse and recyclables to minimize views from*
3 *surrounding properties;*

4 **iv. Views:** *Recognizing the public benefit and desirability of maintaining visual accessibility*
5 *to attractive natural features;*

6 **v. Landscaping:** *Using landscaping to provide transitions between development and*
7 *surrounding properties to reduce noise and glare, maintain privacy, and generally enhance*
8 *the appearance of the project; and*

9 **vi. Lighting:** *Designing and/or placing exterior lighting and glazing in order to avoid*
10 *excessive brightness or glare to adjacent properties and streets.*

11 13. As conditioned, the criteria quoted above are met. While the proposed structure is concentrated
12 in one area, the building's façade would be articulated and modulated in order to divide larger
13 architectural elements into small increments. Large horizontal material changes along the bottom
14 floor and the upper two floors would help to reduce the perceived height of the building mass.
15 Smaller-scaled design elements such as the windows, cornices, canopies, plus the textures and colors
16 of the façade materials would also help provide a well-balanced and well-proportioned building.

17 As determined in the transportation section of Finding of Fact No. 4(E), the proposal provides for
18 desirable transitions and linkages between uses, streets, walkways and adjacent properties.

19 As determined in Findings of Fact No. 4 and 5, as conditioned proper screening and/or design location
20 will be implemented to conceal refuse and recyclable areas, utilities, loading areas, storage areas and
21 equipment.

22 As determined in the aesthetic section of Finding of Fact No. 5, the proposal includes landscaping to
23 enhance the appearance of the project site. Landscaping is not necessary to reduce noise and glare or
24 maintain privacy, as noise, privacy and glare are not problems at the project site with the conditions
25 imposed by this decision.

26 As conditioned, project lighting is designed to avoid excessive brightness or glare as determined in
the lighting section of Finding of Fact No. 5.

As determined in Finding of Fact No. 5(A), the proposal will not adversely impact any views of
significant natural features.

RMC 4-9-200(E)(3)(c): On-Site Impacts: Mitigation of impacts to the site, including:

i. Structure Placement: *Provisions for privacy and noise reduction by building placement,*
spacing and orientation;

1 **ii. Structure Scale:** Consideration of the scale of proposed structures in relation to natural
2 characteristics, views and vistas, site amenities, sunlight, prevailing winds, and pedestrian
3 and vehicle needs;

4 **iii. Natural Features:** Protection of the natural landscape by retaining existing vegetation
5 and soils, using topography to reduce undue cutting and filling, and limiting impervious
6 surfaces; and

7 **iv. Landscaping:** Use of landscaping to soften the appearance of parking areas, to provide
8 shade and privacy where needed, to define and enhance open spaces, and generally to
9 enhance the appearance of the project. Landscaping also includes the design and protection
10 of planting areas so that they are less susceptible to damage from vehicles or pedestrian
11 movements.

12 14. The criterion quoted above are met. The perimeter landscaping and exterior common areas
13 provide for privacy from adjoining uses. As determined in the noise section of Finding of Fact No. 5,
14 the design features of the proposal provide for noise reduction. As determined in Finding of Fact No.
15 5, the proposal does not create any adverse aesthetic impacts and is fully compatible with adjoining
16 uses. As determined in the transportation section of Finding of Fact No. 4, the proposal provides for
17 safe and efficient vehicular and pedestrian circulation and is well integrated into adjoining vehicular
18 and pedestrian improvements, thus providing for a well-integrated project scale and design with
19 vehicular and pedestrian needs. As further determined in Finding of Fact No. 5, as conditioned, the
20 landscaping for the proposal provides for better aesthetics. There is nothing in the record to reasonably
21 suggest that the scale of the project is incompatible with sunlight, prevailing winds or natural
22 characteristics.

23 **RMC 4-9-200(E)(3)(d): Access and Circulation:** Safe and efficient access and circulation for all
24 users, including:

25 **i. Location and Consolidation:** Providing access points on side streets or frontage streets
26 rather than directly onto arterial streets and consolidation of ingress and egress points on
27 the site and, when feasible, with adjacent properties;

28 **ii. Internal Circulation:** Promoting safety and efficiency of the internal circulation system,
29 including the location, design and dimensions of vehicular and pedestrian access points,
30 drives, parking, turnarounds, walkways, bikeways, and emergency access ways;

31 **iii. Loading and Delivery:** Separating loading and delivery areas from parking and
32 pedestrian areas;

33 **iv. Transit and Bicycles:** Providing transit, carpools and bicycle facilities and access; and

34 **v. Pedestrians:** Providing safe and attractive pedestrian connections between parking areas,
35 buildings, public sidewalks and adjacent properties.

1 15. The proposal has one access point on a frontage street (Whitworth Ave. S.) as encouraged by
2 the criterion above. The proposal provides for safe and efficient internal circulation as determined in
3 the transportation section of Finding of Fact No. 4. The staff report does not address loading and
4 delivery, so that issue will be addressed by the conditions of approval. The applicant is proposing
5 bicycle parking facilities (a bike rack) that complies with the City's bicycle parking standards as
6 determined in Finding of Fact No. 4(H). The Renton Transit Center is within walking distance of the
7 proposal. Since the proposed building takes up almost the entire project site and parking is located
8 inside the building, there is no room or much need for exterior pedestrian facilities. The frontage
9 sidewalk connects directly to the primary common space of the proposal and all walking areas are
10 decorated with landscaping and street trees. In this regard the pedestrian connections are safe and
11 attractive.

12 **RMC 4-9-200(E)(3)(e): *Open Space: Incorporating open spaces to serve as distinctive project focal***
13 ***points and to provide adequate areas for passive and active recreation by the occupants/users of the***
14 ***site.***

15 16. Exterior open space is primarily composed of the proposed children's play area, which serve as
16 a good project focal point as it is directly integrated into the frontage sidewalk. The proposal satisfies
17 the City's open space requirements as determined in the open space section of Finding of Fact No. 4.

18 **RMC 4-9-200(E)(3)(f): *Views and Public Access: When possible, providing view corridors to***
19 ***shorelines and Mt. Rainier, and incorporating public access to shorelines.***

20 17. There are no view corridors to shorelines or Mt. Rainier affected by the proposal as determined
21 in Finding of Fact No. 5(A).

22 **RMC 4-9-200(E)(3)(g): *Natural Systems: Arranging project elements to protect existing natural***
23 ***systems where applicable.***

24 18. There are no natural systems at the site or that would be affected by the proposal.

25 **RMC 4-9-200(E)(3)(h): *Services and Infrastructure: Making available public services and***
26 ***facilities to accommodate the proposed use.***

19 19. The project is served by adequate services and facilities as determined in Finding of Fact No.
20 4.

21 **RMC 4-9-200(E)(3)(i): *Phasing: Including a detailed sequencing plan with development phases***
22 ***and estimated time frames, for phased projects.***

23 20. The project is not phased

24 DECISION

25 As conditioned below, the site plan, three modifications and conditional use permit applications as
26 depicted in Exhibit 2 and described in this decision satisfy all applicable permitting criteria for the

1 reasons identified in the findings and conclusions of this decision. The applications are subject to the
2 following conditions:

- 3 1. The applicant shall comply with the mitigation measure issued as part of the Determination
4 of Non-Significance Mitigated, dated July 25, 2016.
- 5 2. The applicant shall obtain a permanent right-of-way use permit in order to encroach into
6 right-of-way by no more than two –feet for the central bay. The right-of-way use permit
7 shall be obtained prior to construction/building permit approval.
- 8 3. The applicant shall demonstrate compliance with the Part 77 Horizontal Surface Height
9 Limit prior to construction/building permit approval.
- 10 4. The applicant shall be required to submit a revised landscape plan to the Current Planning
11 Project Manager prior to building permit approval. The revised landscape plan shall include
12 the following: compliance with the draft Downtown Streetscape Design Standards and
13 Guidelines (DSDSG) (dated March 16, 2016) or as may be amended or approved prior to
14 plans being submitted for building permits; specific detail for courtyard screening and
15 furniture; the addition of one litter receptacle to the frontage improvements located as close
16 to primary building entrance as possible; and landscape planters to denote pedestrian entry
17 points.
- 18 5. The applicant shall provide a copy of a joint parking agreement for any parking stalls
19 located off site. An executed joint parking agreement (if any) shall be submitted to the
20 Current Planning Project Manager prior to occupancy.
- 21 6. The provision of an ADA van accessible parking stall shall be required. The revised
22 parking plan shall be submitted to, and approved by, the Current Planning Project Manager
23 prior to building permit approval.
- 24 7. The applicant shall be required to submit a recorded pedestrian easement in sufficient width
25 (up to 2 feet) to construct required street improvements behind the existing curb. The
26 easement shall be submitted to, and approved by, the Plan Reviewer prior to construction
permit approval.
8. The applicant shall submit a revised paving plan which includes a suitable transition to the
existing sidewalk, north and south of the subject property. The revised paving plan shall
be submitted to, and approved by, the Plan Reviewer prior to construction permit approval.
9. The applicant shall identify an off-site staging area for construction. The area shall be
within a reasonable distance from site to limit construction traffic to and from the site.
Pedestrian paths to and from Renton High School should be carefully studied to ensure a
well-coordinated, signed, and maintained traffic control plan. The traffic control plan shall
be submitted to, and approved by, the Plan Reviewer prior to construction permit approval.
Additionally, the applicant shall be required to notify surrounding property owners (within
300-foot radius of the site) in advance of the start of construction (no less than 30 days),
and provide updates no less than quarterly during the construction period.

- 1 10. The applicant shall be required to submit a lighting analysis demonstrating compliance
2 with RMC 4-6-060(I)(3). The lighting analysis shall be submitted to, and approved by, the
Plan Reviewer prior to construction permit approval
- 3 11. The applicant shall provide a lighting/safety plan which includes the following: lighting
4 within the covered garage during all hours; lighting to illuminate the alley; a limited access
5 gate for the garage; a surveillance system installed in the covered garage to help deter
6 incidents of crime and suspicious activity; and an emergency communications device
within the covered garage. The lighting/safety plan shall be submitted to, and approved by,
the Current Planning Project Manager prior to building permit approval.
- 7 12. The applicant shall provide a pavement design for Whitworth Ave S. The pavement design
8 shall be submitted to, and approved by, the Current Planning Project Manager prior to
construction permit approval.
- 9 13. The applicant shall remove the proposed gazebo from its proposal as volunteered during
the public hearing.
- 10 14. The applicant shall provide the City with SPU authorization to construct infrastructure
11 improvements within the SPU right-of-way before construction permits are issued.
- 12 15. The applicant shall submit revised elevations which incorporate additional height for the
13 ground level windows along the north, south, and eastern facades to a height that exceeds
ten feet as specified by staff. The revised elevations shall be submitted to, and approved
by, the Current Planning Project Manager prior to building permit approval.
- 14 16. The canopy along southern and eastern facades shall be increased to a height of no less
15 than 14 feet at the bottom of the canopy. Depending upon the final design, the canopy
16 should extend 15-feet above grade. Designing the canopy to either: tilt upward, reduce the
width of the face of the canopy, or modulate consistent with the bay window encroachment
17 above would also help emphasize a taller ground floor height especially at the entrance.
The revised elevations shall be submitted to, and approved by, the Current Planning Project
Manager prior to building permit approval.
- 18 17. The applicant shall consider adding public artwork, along Whitworth Ave S., that is
19 publicly visible and in keeping with the vision of Downtown Renton as an arts center. A
narrative regarding the ability to incorporate public art into the proposal shall be submitted
20 to the Current Planning Project Manager prior to building permit approval. If appropriate,
public art shall be included in a revised landscape plan to be submitted to, and approved
21 by, the Current Planning Project Manager prior to building permit approval.
- 22 18. The applicant shall submit a materials board subject to the approval of the Current Planning
23 Project Manager prior to building permit approval. Acceptable materials include a
combination of brick, integrally colored concrete masonry, pre-finished metal, stone, steel,
24 glass, cast-in-place concrete, or other high quality material. The materials board shall also
include, but not be limited to the following: street level windows; frames and glass, cedar
25 siding strips, any proposed fencing (especially surrounding the playground), trellis/pergola
structure on south side of property, bicycle rack canopy, and parapet cap. Any non-brick
26

1 masonry finishes proposed at the ground level that may be accessible to humans shall be
2 anti-graffiti coated to ensure easy removal of graffiti.

3 19. A conceptual sign package, which indicates approximate locations of all exterior building
4 signage shall be submitted. Locations and supports are required to be compatible with the
5 building's architecture and exterior finishes. The conceptual sign package shall be
6 submitted to, and approved by, the Current Planning Project Manager prior to building
7 permit approval.

8 20. The site plan shall be revised to remove and/or relocate the proposed bicycle rack currently
9 proposed along the northern property line to a more visible location. The revised site plan
10 shall be submitted to, and approved by, the Current Planning Project Manager prior to
11 building permit approval.

12 21. The applicant shall be required to replace the existing curb along the frontage of the site.
13 A revised paving plan shall be submitted to, and be approved by, the Plan Reviewer prior
14 to construction permit approval.

15 22. All rooftop equipment, storage areas, utilities and loading areas, if any, shall be located,
16 designed and screened to minimize views from surrounding properties. Loading and
17 delivery areas shall be separated from parking and pedestrian areas.

18 DATED this 30th day of August, 2016.

19 
20 Phil A. Olbrechts

21 City of Renton Hearing Examiner

22 **Appeal Right and Valuation Notices**

23 RMC 4-8-080(G) provides that the final decision of the hearing examiner is subject to appeal to the
24 Renton City Council. RMC 4-8-110(E)(14) requires appeals of the hearing examiner's decision to
25 be filed within fourteen (14) calendar days from the date of the hearing examiner's decision. A
26 request for reconsideration to the hearing examiner may also be filed within this 14-day appeal
period as identified in RMC 4-8-100(G)(9). A new fourteen (14) day appeal period shall commence
upon the issuance of the reconsideration. Additional information regarding the appeal process may
be obtained from the City Clerk's Office, Renton City Hall – 7th floor, (425) 430-6510.

Affected property owners may request a change in valuation for property tax purposes
notwithstanding any program of revaluation.